

**BEFORE THE
PUBLIC SERVICE COMMISSION OF WISCONSIN**

Application of Milwaukee Water Works, Milwaukee
County, Wisconsin, for Authority to Increase Water Rates

Docket No. 3720-WR-107

**REQUEST TO INTERVENE AND NOTICE OF APPEARANCE
OF CLEAN WISCONSIN**

Pursuant to Wis. Admin. Code § PSC 2.21, Clean Wisconsin hereby files its request to intervene in the above-captioned matter. Attorneys for Clean Wisconsin also file a Notice of Appearance. For the reasons stated herein, the Commission should grant this Request to Intervene because Clean Wisconsin satisfies the standards for both intervention by right and permissive intervention.

I. THE COMMISSION SHOULD GRANT CLEAN WISCONSIN INTERVENTION BY RIGHT.

The Commission standard for intervention by right requires an intervenor to demonstrate that the intervenor has a substantial interest that may be affected in the proceeding. Wis. Admin. Code § PSC 2.21(1). Clean Wisconsin satisfies this standard.

Clean Wisconsin is a nonprofit Section 501(c)(3) organization that works to protect the air and water of Wisconsin and advocates for clean energy. Founded in 1970 as Wisconsin's Environmental Decade, Clean Wisconsin has 10,000 members statewide and has been a full party in many proceedings before the Commission. Many Clean Wisconsin members live and work in the area served by Milwaukee Water Works.

Clean Wisconsin members have a substantial interest in, and will be affected by, decisions that are made by Milwaukee Water Works and the Commission regarding water rates and water conservation programs. Specifically, Clean Wisconsin members living in Milwaukee

and the surrounding communities are affected by higher withdrawals of water from Lake Michigan impacting aquatic ecosystems, higher use of chemicals such as ammonia and fluoride for water treatment, and higher emissions of greenhouse gases through the energy consumption needed to obtain, decontaminate, and distribute unnecessary amounts of water.

Clean Wisconsin, as an organization committed to protecting the environment, has the authority to intervene on behalf of its members in this proceeding. *See Wisconsin's Envtl. Decade, Inc. v. Pub. Serv. Comm'n of Wis.*, 69 Wis. 2d 1, 20, 230 N.W.2d 243 (1974) (“[A]n organization devoted to the protection and preservation of the environment has standing to sue in its own name if it alleges facts sufficient to show that a member of the organization would have had standing to bring the action in his own name.”). Accordingly, the Commission should grant Clean Wisconsin intervention by right.

II. IN THE ALTERNATIVE, THE COMMISSION SHOULD GRANT CLEAN WISCONSIN PERMISSIVE INTERVENTION.

The Commission standard for permissive intervention requires an intervenor to demonstrate that the intervenor will likely promote the proper disposition of the issues in the proceeding and will not impede the timely completion of the proceeding. Wis. Admin. Code § PSC 2.21(2). Clean Wisconsin satisfies that standard here.

Clean Wisconsin will promote the proper disposition of the issues through its participation in this proceeding by working with the utility and Commission staff to develop the most appropriate conservation programs for Milwaukee Water Works. Clean Wisconsin will recommend and explore new conservation programs and improvements to existing conservation efforts. Further, Clean Wisconsin will comply with all Commission deadlines in this proceeding. Accordingly, Clean Wisconsin satisfies the Commission standard for permissive intervention.

Therefore, the Commission should grant Clean Wisconsin intervention by right in this proceeding or, in the alternative, permissive intervention.

III. NOTICE OF APPEARANCE.

Cullen Weston Pines & Bach LLP hereby files its Notice of Appearance on behalf of Clean Wisconsin in the above-captioned proceeding. All further documents and correspondence should be served on:

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Dated this 1st day of October, 2009.

Respectfully submitted,

CULLEN WESTON PINES & BACH LLP

/s/ Kira E. Loehr

By: _____

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